

INTERNATIONAL JOURNAL OF

Cultural Property

VOLUME 24 2017 NUMBER 1



CAMBRIDGE

ISSN 0940-7391

Subscription Information: *International Journal of Cultural Property* (ISSN 0940-7391) is published quarterly in February, May, August, and November by Cambridge University Press for the International Cultural Property Society. Annual subscription rates for Volume 24 (2017): Institutional subscription rate, print and electronic: US \$528 in the U.S.A., Canada, and Mexico; UK £317 elsewhere. Institutional subscription rate, electronic only: US \$403 in the U.S.A., Canada, and Mexico; UK £243 elsewhere. Individual subscription rate, print only: US \$83 in the U.S.A., Canada, and Mexico; UK £44 elsewhere. Single part rates, print only: US \$152 in the U.S.A., Canada, and Mexico; UK £91 elsewhere. Prices include surface postage.

Publishing, Advertising, and Subscription Offices: Cambridge University Press, One Liberty Plaza, New York, NY 10006, USA (for USA, Canada, and Mexico); or Cambridge University Press, Shaftesbury Road, Cambridge CB2 8BS, England (for UK and elsewhere).

Society Inquiries: General inquiries concerning the International Cultural Property Society should be directed to Stanley N. Katz, Director, Center for the Arts and Cultural Policy Studies, Woodrow Wilson School, 428 Robertson Hall, Princeton University, Princeton, NJ 08544. Phone: 609-258-5637; fax: 609-258-1235; email: snkatz@princeton.edu.

Rights and Permissions: All rights reserved. No part of this publication may be reproduced, in any form or by any means, electronic, photocopy, or otherwise, without permission in writing from Cambridge University Press. General enquiries from the USA, Mexico, and Canada should be addressed to the New York office of Cambridge University Press <http://www.cambridge.org/us/information/rights/contacts/newyork.htm>; general enquiries from elsewhere should be addressed to the Cambridge office <http://www.cambridge.org/us/information/rights/contacts/cambridge.htm>; permission enquiries from Australia and New Zealand should be addressed to the Melbourne office <http://www.cambridge.org/us/information/rights/contacts/australia.htm>; enquiries regarding Spanish-language translation rights (only) should be addressed to the Madrid office <http://www.cambridge.org/uk/information/rights/contacts/madrid.htm>.

Photocopying information for users in the U.S.A.: The Item-Fee Code for the publication (0940-7391/10 \$15.00 + .10) indicates that copying for internal or personal use beyond that permitted by Sec. 107 or 108 of the U.S. Copyright Law is authorized for users duly registered with the Copyright Clearance Center (CCC) Transaction Reporting Service, provided that the appropriate remittance of \$15.00 per article is paid directly to CCC, 222 Rosewood Drive, Danvers, MA 01923. Specific written permission must be obtained for all other copying.

Abstracting Information: *International Journal of Cultural Property* is indexed and abstracted in Anthropological Literature; Art and Archaeology Technical Abstracts (Online Edition); ARTbibliographies Modern; Avery Index to Architectural Periodicals; Bibliography of the History of Art (BHA); British & Irish Archaeological Bibliography (Online Edition); IBZ—Internationale Bibliographie der Geistes- und Sozialwissenschaftlichen Zeitschriftenliteratur; Index to Foreign Legal Periodicals; Index to Legal Periodicals & Books; Internationale Bibliographie der Rezensionen Geistes- und Sozialwissenschaftlicher Literatur.

© International Cultural Property Society 2017

Cover: Interior of the Government nightclub in Toronto. A key venue for Toronto's music scene since the 1980s, it was demolished in February 2015 to be replaced by a large condominium complex as part of a waterfront redevelopment scheme. The issues surrounding the intangible heritage of Toronto's music scene and the destruction of this and other venues is the focus of Sara Gwendolyn Ross's article in this issue. Photo courtesy Sara Gwendolyn Ross.

INTERNATIONAL JOURNAL OF Cultural Property

VOLUME 24 (2017) NUMBER 1

Editor

Alexander A. Bauer,
Queens College, CUNY, USA

Case Notes Editors

Janet E. Blake, *University of Shahid
Beheshti, Iran*

Derek Fincham, *Houston College
of Law, USA*

Book Review Editors

Hyung Il Pai, *University of California,
Santa Barbara, USA*

Patrick J. O'Keefe, *University of
Queensland, Australia*

Associate Editors

Haidy Geismar, *University College
London, UK*

Sonia Katyal, *Fordham University School
of Law, USA*

Tom King, *Independent Writer/Consultant, USA*

Lyndel V. Prott, *University of Queensland,
Australia*

Kurt Siehr, *Universität Zürich, Switzerland
and Max-Planck-Institut, Germany*

Editorial Board

Gregory J. Ashworth, *Rijksuniversiteit
Groningen, Netherlands*

Márcia Bezerra de Almeida, *Universidade
Federal do Pará, Brasil*

Michael F. Brown, *School of Advanced
Research, USA*

Mira Burri, *World Trade Institute,
Switzerland*

Chip Colwell, *Denver Museum of
Nature and Science, USA*

María Luz Endere, *Conicet and Universidad
del Centro de la Provincia de Buenos
Aires, Argentina*

Richard Handler, *University of Virginia,
USA*

Claire Lyons, *J. Paul Getty Museum,
USA*

Stephanie Moser, *University of
Southampton, UK*

Elina Moustaira, *School of Law, National
and Kapodistrian University of Athens,
Greece*

Dawson Munjeri, *Delegation of Zimbabwe
to UNESCO, Zimbabwe
and France*

Anila Naeem, *NED University of
Engineering and Technology,
Pakistan*

James A. R. Nafziger, *Willamette University
College of Law, USA*

Patrick J. O'Keefe, *University of Queensland, Australia*

Robert K. Paterson, *Peter A. Allard School of Law,
University of British Columbia, Canada*

Jorge Sánchez Cordero, *Mexican Center of
Uniform Law, Mexico*

Daniel Shapiro, *President Emeritus,
International Cultural Property Society,
USA*

Folarin Shyllon, *Faculty of Law, Olabisi
Onabanjo University, Nigeria*

Samuel Sidibé, *National Museum of Mali,
Mali*

Neil Asher Silberman, *University of
Massachusetts, Amherst, USA*

Madhavi Sunder, *UC Davis School of Law,
USA*

David Throsby, *Macquarie University,
Australia*

Alison Wylie, *University of Washington,
USA*

Board Members Emeritus

Clemency Coggins, *Boston University, USA*

David Lowenthal, *University College
London, UK*

†John Henry Merryman (Founder), *Stanford
University Law School, USA*

Stephen K. Urice, *University of Miami
School of Law, USA*

INTERNATIONAL
Cultural Property
SOCIETY

BOARD OF DIRECTORS

President

Stephen K. Urice
University of Miami School of Law, USA

Vice-President

Marc-André Renold
Art-Law Centre, University of Geneva Law School, Switzerland

Treasurer

Stephen W. Clark
J. Paul Getty Trust

Secretary

Ana Filipa Vrdoljak
Faculty of Law, University of Technology, Sydney, Australia

Derek Gillman
Drexel University, USA

Stanley N. Katz
Center for Arts and Cultural Policy Studies, Princeton University, USA

Lawrence Rosen
Department of Anthropology, Princeton University, USA

Kurt Siehr, Law School
Universität Zurich, Switzerland and Max-Planck-Institut, Germany

Susan Taylor
New Orleans Museum of Art, USA

President Emeritus

Daniel Shapiro

CONTENTS

VOLUME 24 (2017) NUMBER 1

<i>Norman Palmer, CBE, QC, FSA 1948–2016</i> Patrick J. O’Keefe	1
ARTICLES	
<i>Frozen in Time: Orphans and Uncollected Objects in Museum Collections</i> Janet Ulph	3
<i>Development versus Preservation Interests in the Making of a Music City: A Case Study of Select Iconic Toronto Music Venues and the Treatment of Their Intangible Cultural Heritage Value</i> Sara Gwendolyn Ross	31
<i>Rights, Indigeneity, and the Market of Rastafari</i> Jovan Scott Lewis	57
<i>The New Unified Civil and Commercial Code and Cultural Heritage Protection in Argentina</i> María Luz Endere and Lucía Carolina Colombato	79
CONFERENCE REPORT	
<i>Meeting of the Cultural Heritage Law Committee of the International Law Association</i> James A. R. Nafziger	101
BOOK REVIEWS	
<i>Review of Michael Dylan Foster and Lisa Gilman (eds.), UNESCO on the Ground: Local Perspectives on Intangible Cultural Heritage</i> Keith Howard	103
<i>Review of Helle Porsdam (ed.), Copyrighting Creativity: Creative Values, Cultural Heritage Institutions and Systems of Intellectual Property</i> Amy Lai	109